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AT&T Services, Inc. and AT&T Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HERRING NETWORKS, INC., a
California corporation,

Plaintiff,

v.

AT&T SERVICES, INC., a Delaware
corporation; and AT&T INC., a
Delaware corporation,

Defendants.

CASE NO. 16-cv-01636-CAS-AGR

**DECLARATION OF RYAN SMITH IN
SUPPORT OF AT&T SERVICES,
INC.'S MOTION TO DISMISS
PURSUANT TO RULES 12(B)(6) AND
9(B) AND AT&T INC.'S MOTION TO
DISMISS PURSUANT TO RULE
12(B)(2)**

Hearing:

Date: June 13, 2016
Time: 10:00 a.m.
Place: Courtroom 5
Judge: Hon. Christina A. Snyder

1 I, Ryan Smith, hereby declare under penalty of perjury pursuant to 28 U.S.C.
2 § 1746, that the following is true and correct:

3 1. I am currently the Assistant Vice President – Content of AT&T
4 Entertainment Group of AT&T Services, Inc. I have been employed by AT&T
5 Services, Inc. since November 2008.

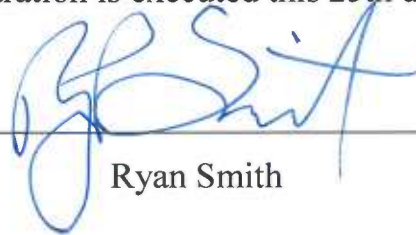
6 2. In my capacity as Assistant Vice President – Content, I have had access to
7 and maintained numerous documents and agreements, including certain agreements for
8 AT&T Services, Inc.

9 3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts of the
10 Network Affiliation Agreement between AT&T Services, Inc., on behalf of itself and
11 its Affiliated Entities, and Herring Networks, Inc., for distribution of the linear
12 programming services currently known as “AWE” (or “A Wealth of Entertainment,”
13 and formerly “Wealth TV”) and “One American News Network,” effective April 10,
14 2014 (the “Network Affiliation Agreement”).

15 4. The excerpts of the Network Affiliation Agreement provided are those
16 that are relied upon in the motions to dismiss being filed by AT&T Services, Inc. and
17 AT&T Inc. to the Complaint filed by Herring Networks, Inc. Other portions of the
18 excerpts are redacted. One portion of the excerpts provided has been highlighted as
19 well.

20 5. A copy of the full Network Affiliation Agreement is in my possession and
21 can be provided upon request.

22
23 I declare, under penalty of perjury under the laws of the United States, that these
24 facts are true and correct and that this Declaration is executed this 25th day of April,
25 2016, at El Segundo, California.

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Ryan Smith